

REMARKS

This Amendment is submitted in response to the Examiner's Action mailed December 15, 2004, with a shortened statutory period of three months set to expire March 15, 2005. Claims 1-24 are currently pending. With this amendment, claims 1-2, 5-6, 8-10, 13-14, 16-18, 21-22, and 24 have been amended, and claims 3-4, 7, 11-12, 15, 19-20, and 23 have been canceled.

Applicants have amended the independent claims to describe associating one of a plurality of different priorities with each one of a plurality of HTTP requests. A plurality of different, separate queues is established. Each one of the queues is associated with a different one of the priorities. An HTTP request that is associated with one of the priorities is stored in the queue that is associated with that priority. All of the requests that are associated with a first one of the priorities are stored in a first queue that is associated with the first one of the priorities. All of the requests that are associated with a second one of the priorities are stored in a second queue that is associated with the second one of the priorities. Processing of ones of the HTTP requests that are stored in the first one of the queues is completed before beginning processing of the HTTP requests that are stored in the second one of the queues regardless of whether the first one of the priorities is a higher priority than the second one of the priorities.

Claims 2, 10, and 18 have been amended to describe one of a plurality of types of requests being associated with each one of the plurality of priorities. A type of each one of the plurality of requests is identified. For each one of the plurality of requests, a determination is made of the priority that is associated with a type that was determined for the request.

The Examiner rejected claims 1-24 under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner referred to several terms that the Examiner believed lacked antecedent basis. The claims have been amended to correct antecedent basis issues. Therefore, this rejection is believed to be overcome.

The Examiner rejected claims 1, 2, 5, 9, 10, 13, 17, 18, and 21 under 35 U.S.C. § 102(a) as being anticipated by "Supporting Quality of Service in HTTP Servers", published by *Pandey*. The independent claims 1, 9, and 17 have been amended to add the

features of a plurality of different queues and associating each queue with a different priority. The Examiner stated that *Pandey* does not teach these features. Therefore, *Pandey* does not anticipate the claims as amended.

The Examiner rejected claims 3-4, 6-8, 11-12, 14-16, 19-20, and 22-24 under 35 U.S.C. § 103(a) as being unpatentable over *Pandey* in view of U.S. Patent 6,769,019 issued to *Ferguson*. This rejection, as it might be applied to the claims as amended, is respectfully traversed.

The Examiner states that *Pandey* does not teach a plurality of queues and relies on *Ferguson* to teach this feature. However, *Ferguson* does not teach a plurality of queues. *Ferguson* teaches a single queue. Connection requests are prioritized based on a hierarchy as taught by column 17, lines 58-67. One of the slots in this hierarchy is assigned to each connection request. The request, having its assigned priority, is then placed in the single queue. *Ferguson* does not teach a plurality of different queues. Items are stored in the same queue in *Ferguson*.

An item in the queue is processed so long as no higher priority item is present in the queue. If a higher priority item is present in the queue, processing of the lower priority item is suspended until the higher priority item is processed. Once no higher priority item exists in the queue, the processing of the lower priority item resumes. See column 18, lines 8-46. Thus, according to *Ferguson*, items having different priorities are placed in the same single queue. *Ferguson* does not teach a plurality of different, separate queues.

The Examiner states that *Pandey* does not teach a plurality of queues where each queue is associated with a different priority and relies on *Ferguson* to teach this feature. However, *Ferguson* does not teach a plurality of queues where each queue is associated with a different priority. *Ferguson* teaches a single queue into which are stored items that have different priorities. Therefore, the single queue is not associated with any one priority. Because the single queue stores items that have different priorities, the single queue is not associated with any priority at all. *Ferguson* does not teach a plurality of queues where each queue is associated with a different priority.

Applicants also claim first ones of the requests that are associated with a first one of the priorities being stored in a first queue that is associated with the first one of the

priorities. Second ones of the requests that are associated with a second one of the priorities are stored in a second queue that is associated with the second one of the priorities. *Ferguson* does not teach these features because *Ferguson* does not teach a plurality of different, separate queues or a plurality of different, separate queues where each queue is associated with a different priority.

Applicants claim completing processing of ones of the HTTP requests that are stored in the first one of the queues before beginning processing of ones of the HTTP requests that are stored in the second one of the queues regardless of whether the first one of the priorities is a higher priority than the second one of the priorities. *Ferguson* teaches processing requests until a higher priority item is stored in the queue. When a higher priority item is found in the queue, processing of the lower priority item is suspended. When processing of the higher priority item is completed, processing of the lower priority item resumes. Thus, *Ferguson* teaches away from completing processing of ones of the HTTP requests that are stored in the first one of the queues before processing of ones of the HTTP requests that are stored in the second one of the queues is begun regardless of whether the first one of the priorities is higher than the second one of the priorities.

Because neither reference describes, teaches, or suggests a plurality of different, separate queues, each one of the queues being associated with a different one of the priorities, or processing of ones of the HTTP requests that are stored in the first one of the queues being is completed before beginning processing of the HTTP requests that are stored in the second one of the queues regardless of whether the first one of the priorities is a higher priority than the second one of the priorities, the combination of references does not render Applicants' claims unpatentable.

Applicants' claims are believed to be in a patentable form. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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